

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
ACCESSIBILITY CHECKLIST COMMITTEE
MEETING MINUTES**

May 25, 2010

1. CALL TO ORDER

Chair Luehrs called the meeting to order at approximately 10:00 a.m. at 2525 Natomas Park Drive, Room 120, Sacramento, California.

ROLL CALL

Commissioners Present:

Richard Luehrs, Chair
Dawn Anderson, Vice Chair (Teleconference)
Michael Dean
Doug Hensel
Jim McGowan
Aaron Noble
Mitchell Pomerantz
Rick Renfro
Kevin Sparks

Commissioners Absent:

Rocky Burks

Also Present:

Ms. Brown, Department of Planning and Research
John Handley, California Independent Grocers
Association
Diane Russell, Department of Rehabilitation
(Teleconference)

2. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA

There were no comments from the public on issues not on this agenda.

3. GENERAL BUSINESS ITEMS

a. Development of the Accessibility Checklist (G.C. Section 8299.06)

Chair Luehrs noted that at last month's meeting, the Committee had discussed using the Division of State Architect (DSA) 11B Checklist as a template. The Committee had also discussed doing beta testing with building officials to elicit their feedback on issues or problems.

Commissioner Noble remarked that the document is large, as it corresponds to the Accessibility Provisions for California which are lengthy. It is broken down into 20-odd

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parts – ramps, stairs, etc. Commissioner Noble felt that there may be some interpretive issues reflected in the document that are solely DSA's. The Checklist corresponds to the effective dates of the code cycles. It is a dynamic document, changing with every code cycle.

Regarding compliance with federal standards, DSA's intention is to comply with all provisions, both federal and state. Commissioner Mitchell clarified with Commissioner Noble that the California Building Code is awaiting certification with the U.S. Department of Justice for compliance with the federal government's adopted standards. Commissioner Noble emphasized that the process for getting California's standards in line with the federal standards is time-consuming.

Chair Luehrs stated that the Committee's goal with the Checklist, as far as SB 1608, is to have a comprehensive checklist up and available, and distributed to all building officials by July 1. The Committee understood that federal standards may change in successive code cycles; it's a moving target.

Commissioner Dean remarked that the ultimate goal of consumers and building officials in this arena is to have one document and one set of standards – federal certification with the existing Americans with Disabilities Act Guidelines (ADAG) and one set of guidelines from which to work. This Committee was now working on the interim step.

Commissioner Noble gave the location of the DSA Checklist as www.dsa.ca.gov, then click on **Access Compliance Reference Manual**, then click on **Section 5 – Official Comments (Checklists)**.

Commissioner Pomerantz suggested that in order to meet the July 1 deadline, the Committee could adopt the DSA Checklist document as is. The length of the document was the sticking point for other Commissioners.

Vice Chair Anderson felt that the Commission Checklist should carry only what's in Title 24 and is adopted. She agreed with Commissioner Noble: the Committee should go through the DSA document as a group and identify the areas where DSA has provided interpretation; building officials can make comparisons between the Checklist and the interpretive manual. The Committee would then have ADA 11B covered, and could look at the housing portion at another time.

Commissioner Renfro stated that, as a building official, he appreciated having the interpretations of the State Architect. He believed that the existing Checklist worked well; the diagrams are very helpful; but the idea of a short six- or ten-page Committee Checklist cannot realistically cover all the accessibility issues.

Vice Chair Anderson stressed that if an interpretation is made for items that have not been certified by the federal government and civil law, a problem is created; that's not what this Senate Bill was intended to do. The Checklist should consist succinctly of the regulations.

Commissioner Pomerantz stated that the Checklist should contain an introduction that states just that: the purpose of this document is to provide the regulations as they are, and local jurisdictions have the option to make interpretations. Chair Luehrs mentioned that

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this idea, of including a preamble, had been discussed at the previous meeting. Commissioner Noble agreed to produce a preamble for the next meeting on June 15.

Chair Luehrs asked Commissioner Noble if there are other substantial interpretations of issues that DSA is frequently asked for clarification upon; and how many different interpretations there are in the entire Checklist. Commissioner Noble responded that there are three or four interpretive issues, with the detectable warning issue standing out as the most controversial. He suggested including disclaimers on the interpretive issues. Commissioner Pomerantz suggested noting those issues in the preamble.

MOTION: Commissioner Pomerantz moved to review by June 3 the Accessibility Access Manual, but to recommend to the full Commission that the document be accepted minus interpretation, interpretive language, and/or equal facilitation language; except that in the preamble reference will be made to those areas that have been flagged, that DSA has provided interpretation to building officials for assistance. Commissioner Dean seconded. Motion carried with six ayes and one abstention.

Chair Luehrs directed everyone to look at the entire checklist of the Access Compliance Reference Manual, and send comments to Commissioner Noble.

b. Development of the “Housing Component” to the master checklist

Chair Luehrs remarked that this component of the Master Checklist, per Senator Corbett, was not due on July 1. He suggested developing a timeline for completion.

Commissioner Hensel commented that the DSA Checklist is too large to be practical. Most jurisdictions use a Plan Review Checklist that doesn't have all the code components included. The Committee did not necessarily have to follow DSA's outline.

Commissioner Renfro noted that the word “comprehensive” is a problem. He would promote an 8- or 9-page manual. Accessibility is a complex issue, taking more time than any other issue that building officials deal with. A comprehensive accessibility manual could not be covered in 4 pages. Commissioner Hensel added that tools and a road map can be provided in a short manual.

Commissioner Sparks stated that the predominant use of the Checklist for residential and Chapter 11A use would be for existing construction.

Commissioner Hensel talked about the Checklist bringing two results: satisfying the requirement, which was why the Checklist was selected – it's a time issue; and developing something that will change and enhance the way that enforcement takes place.

Further discussion ensued about the development of this portion of the document. The Commissioners agreed in the importance of it being user-friendly.

c. Timeline for development of the master checklist

Chair Luehrs reiterated that the Committee had longer than July 1 to get this portion into the user-friendly format that the Commissioners felt important.

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4. FUTURE COMMITTEE MEETINGS

Chair Luehrs stated that although the Committee had a clear path to the July deadline, they still had the housing component, etc. to deal with.

Tasks for the Chapter 11B July 1 deadline:

1. Committee members would review the 11B Checklist by accessing it from the DSA website.
2. They would direct comments to Commissioner Noble.
3. Commissioner Noble would write a preamble, and submit it for Committee review by June 3.

The Committee did not need to meet again before the June 17 Commission meeting.

5. FUTURE AGENDA ITEMS

Commissioner McGowan brought forward Commissioner Noble's question about whether the Checklist would have graphics.

The Committee discussed the logistics of placing the DSA document – originated in Word and converted to .pdf – on the Building Standards Commission website, as well as printing versions for the Committee members.

6. ADJOURN

The meeting adjourned at approximately 12:30 p.m.